

2022

Virginia Department of Juvenile Justice



2022 GENERAL ASSEMBLY

LEGISLATIVE UPDATE

JULY 1, 2022

CONTENTS

DJJ LEGISLATION

[HB 228](#) / [SB 546](#) (Delegate Coyner / Senator Marsden): Juvenile boot camps; eliminates authority of the Department of Juvenile Justice to establish.....pg. 9

COURTS / INTAKE

[HB 623](#) (Delegate Hudson): Guardianship and conservatorship; duties of the guardian ad litem, report contents.....pg. 10

[HB 671](#) (Delegate Hope): Permanent protective orders; Hope Card Program created.....pg. 10

[HB 731](#) / [SB 149](#) (Delegate Ward / Senator Norment): Juvenile law-enforcement records; inspection of records.....pg. 11

[HB 738](#) / [SB 691](#) (Delegate Bell / Senator Mason): Competency to stand trial; order for evaluation or treatment.....pg. 12

[HB 756](#) / [SB 614](#) (Delegate Adams / Senator Stanley): Bail for a person accused of a crime that is an act of violence; notice to attorney.....pg. 12

[HB 1318](#) / [SB 424](#) (Delegate Adams / Senator Edwards): Probation violation guidelines; use of sentencing revocation report and discretionary sentencing.....pg. 12

[HB 1320](#) / [SB 423](#) (Delegate Adams / Senator Edwards): Discretionary sentencing guidelines; midpoint for violent felony offenses, report, effective date.....pg. 13

[HB 1339](#) (Delegate Leftwich): Facial recognition technology; redefines, local law enforcement and campus police to utilize.....pg. 13

[SB 102](#) (Senator Hanger): Arrest warrant; criminal acts committed during a close pursuit.....pg. 14

[SB 198](#) (Senator Mason): Disposition when defendant found incompetent; involuntary admission of the defendant.....pg. 14

[SB 392](#) (Senator Reeves): Clerk of court; copies of appointment order to counsel.....pg. 15

[SB 404](#) (Senator Stuart): Search warrants; copy of search warrant and affidavit given to at least one adult occupant.....pg. 15

CRIME

- [HB 470](#) / [SB 729](#) (Delegate Bell / Senator Ruff): Catalytic converters; tampering with, etc., penalty.....pg. 16
- [HB 451](#) (Delegate Bennett-Parker) Stalking; venue; penalty.....pg. 16
- [HB 571](#) / [SB 366](#) (Senator Reeves): Historical horse racing, electronic gaming terminals, age requirement, penalty.....pg. 17
- [HB 632](#) (Delegate Carr): Exhaust systems; excessive noise.....pg. 17
- [HB 740](#) / [SB 729](#) (Delegate Bell / Senator Ruff): Catalytic converters; penalties.....pg. 17
- [HB 833](#) (Delegate Wilt): Group violence intervention; definition, Operation Ceasefire Grant Fund created.....pg. 18
- [HB 920](#) / [SB 247](#) (Delegate Kilgore / Senator Surovell): Careless driving; vulnerable road users.....pg. 18
- [SB 325](#) (Senator Reeves): Alcoholic beverage control; transportation of alcoholic beverages purchased.....pg. 18
- [SB 362](#) (Senator Stuart): Bicycles and certain other vehicles; riding two abreast.....pg. 19
- [SB 440](#) (Sen. Boysko): Unlawful hazing; civil and criminal liability.....pg. 19
- [SB 591](#) (Senator Hanger): Marijuana; shape productions, definitions.....pg. 20
- [SB 604](#) (Senator Stanley): Animal cruelty; companion animals, penalty.....pg. 20
- [SB 741](#) (Senator Surovell): Facial recognition technology; authorized uses.....pg. 21
- [SB 758](#) (Senator Pillion): Switchblade; selling or possessing.....pg. 21

DETENTION

- [HB 170](#) (Delegate Marshall): Correctional facilities; work release programs.....pg. 22
- [HB 388](#) (Delegate Willett): State facilities; video visitation.....pg. 22
- [HB 502](#) (Delegate Mullin): Credit for time spent in confinement while awaiting trial; separate, dismissed, or nolle prosequi.....pg. 22

HB 1332 / SB 700 (Delegate Greenhalgh / Senator DeSteph): Covering a security camera on a correctional facility; penalty.....pg. 23

SB 108 (Senator Morrissey): Correctional facilities; DOC to convene a work group to study the use of restorative housing.....pg. 23

SB 581 (Senator Morrissey): Correctional facilities, local and regional; fees charged to inmates.....pg. 24

SB 673 (Senator Morrissey): Correctional facilities, local; entry privileges.....pg. 24

EDUCATION

HB 4 / SB 36 (Delegate Wyatt / Senator Norment): School principals; incident reports, written threats against school personnel, etc.....pg. 25

HB 128 (Delegate Davis): Virginia Diverse Educator Scholarship Fund and Program; created and established.....pg. 26

HB 197 (Delegate Webert): Through-year growth assessment system; BOE to seek and incorporate input and suggestions into system.....pg. 26

HB 230 (Delegate Coyner): Teachers; licensure by reciprocity for military spouses, timeline for determination.....pg. 27

HB 236 (Delegate Orrock): Teachers' licenses, certain; Board of Education permitted temporarily extend.....pg. 27

HB 484 (Delegate Helmer): Virginia Initiative for Education and Work; exemption for postsecondary students.....pg. 27

HB 718 / SB 661 (Delegate Filler-Corn / Senator Lucas): Apprenticeship program; Bd. of Workforce Development to prepare recommendations for primary office.....pg. 27

HB 741 (Delegate Bell): Annual public elementary and secondary school safety audits; creation or review of school building.....pg. 28

HB 873 (Delegate Greenhalgh): School boards; school resource officers; employment; threat assessment.....pg. 28

HB 1108 (Delegate Rasoul): Public schools; instruction concerning gambling, report...pg. 28

[HB 1129 / SB 600](#) (Delegate Taylor / Senator Pillion): School safety audits; law-enforcement officers.....pg. 29

[HB 1299](#) (Delegate Coyner): Department of Education; State Council of Higher Education for Virginia; instruction.....pg. 29

[SB 490](#) (Senator McClellan): Standards of Quality; specialized student report.....pg. 30

[HB 829](#) (Delegate Wilt): School counselors; staffing ratios, flexibility.....pg. 30

[HB 1215](#) (Delegate Ransone): Public middle schools; physical education to include personal safety training.....pg. 30

[HB 1299 / SB 738](#) (Delegate Coyner / Senator Morrissey): High school students; instruction concerning post-graduate opportunities.....pg. 31

[SB 598](#) (Senator Pillion): College partnership laboratory schools; application and establishment, contracts.....pg. 31

[SB 649](#) (Senator Hanger): Juvenile law-enforcement records; disclosure to school principals.....pg. 32

[SB 656](#) (Senator Dunnivant): Sexually explicit content; DOE shall develop model policies, parental notification.....pg. 32

FIREARMS

[SB 8](#) (Senator Petersen): Hunting on Sundays; permits hunting on public or private land, etc.....pg. 33

[SB 487](#) (Senator McClellan): Firearm Violence Intervention and Prevention, Virginia Center; established.....pg. 33

MENTAL HEALTH & MEDICAL

[HB 16 / SB 63](#) (Delegate Fowler / Senator Ruff): Safe have protections; newborn safety device at hospitals for reception of children.....pg. 33

[HB 50](#) (Delegate Fariss): Infant relinquishment laws; DSS to establish hotline to make information available to public.....pg. 34

[HB 242](#) (Delegate Adams): Professional counselors, licensed; added to list of providers who can disclose or recommend records.....pg. 34

HB 916 (Delegate Robinson): Health care providers; health records of minors, available via secure website.....pg. 34

SB 202 (Senator Newman): Alternative custody arrangements; options to increase use for certain individuals.....pg. 35

SB 119 (Senator Hanger): Involuntary temporary detention; disclosure of health records.....pg. 34

SB 268 (Senator Favola): Emergency custody and temporary detention, transportation, transfer of custody, alternative custody.....pg. 35

SB 295 (Senator Deeds): Behavioral health dockets; responsibilities of local pretrial services.....pg. 36

SB 593 (Senator Newman): Emergency custody or temporary detention order; custody and transportation of persons.....pg. 36

SEX OFFENSES & SEX OFFENDERS

HB 283 (Delegate Brewer / Senator Vogel): Human trafficking; training for law-enforcement.....pg. 36

HB 434 (Del. Briana D. Sewell) Criminal sexual assault; definition of intimate parts; penalty.....pg. 37

HB 526 (Delegate Batten): Victims of human trafficking; eligibility for in-state tuition.....pg. 37

HB 711 (Delegate Keam): Writ of vacatur; victims of sex trafficking; payment of fees or costs.....pg. 38

HB 719 / **SB 658** (Delegate Filler-Corn / Senator McClellan): Physical evidence recovery kits; victim' right to notification, storage.....pg. 38

HB 1023 (Delegate Guzman): Family life education curricula, certain; optional instruction on human trafficking of children.....pg. 39

HB 1334 (Delegate Murphy): Child abuse and neglect; amends definition, valid complaint.....pg. 39

SB 227 (Senator Obenshain): Misdemeanor sexual offenses where the victim is a minor; statute of limitations, penalty.....pg. 39

[SB 249](#) (Senator Surovell): Sexual abuse of animals; definitions, penalty.....pg. 40

[SB 467](#) (Senator Vogel): Human trafficking; training for law-enforcement personnel.....pg. 41

[SB 493](#) (Senator McClellan): Sexually explicit visual material to another; civil action for dissemination of images, penalty.....pg.41

SOCIAL SERVICES

[HB 427 / SB 435](#) (Delegate Herring / Senator Barker): Children’s Services Act; community policy and management teams and family assessment, etc.....pg. 41

[HB 733 / SB 316](#) (Delegate Bell / Senator Marsden): Juvenile records; identification of children receiving coordinated services.....pg. 42

[HB 751](#) (Delegate Bell): Mandated reporters of suspected abuse.....pg. 43

[SB 348](#) (Senator Surovell): Support orders; retroactivity, arrearages, party’s incarceration.....pg. 43

[SB 485](#) (Senator McClellan): Delinquency Prevention and Youth Development Act; youth services citizen boards, duties, guidelines.....pg. 44

STATE & LOCAL ADMINISTRATION OF GOVERNMENT

[HB 158](#) (Delegate Byron): Emergency Services and Disaster Law; limitation on duration of executive orders.....pg. 46

[HB 216 / SB 57](#) (Delegate Simonds / Senator Locke): Conflict of Interests Act, State and Local Government; definition of gift, certain tickets, etc.....pg. 46

[HB 231](#) (Delegate Orrock): Military personnel; increases days for leaves of absences.....pg. 46

[HB 307](#) (Delegate Freitas): Virginia Freedom of Information Act; estimated charges for records.....pg. 46

[HB 384](#) (Delegate Davis): State and local employees; rights of employees, freedoms of conscience and expression.....pg. 47

[HB 444](#) (Delegate Bennett-Parker) Virginia Freedom of Information Act; meetings conducted through electronic meetings, states of emergency.....pg. 47

[HB 734](#) (Delegate Bell): Virginia Freedom of Information Act; disclosure of certain criminal records.....pg. 48

[HB 814](#) (Delegate Torian): Small Business and Supplier Diversity, Department of; agency procurement enhancement plans.....pg. 49

[HB 964](#) (Delegate Subramanyam): Virginia Public Procurement Act; methods of procurement, submitting bids electronically.....pg. 49

[HB 1178](#) (Delegate Avoli): Seizure first aid information; Department of Labor and Industry to disseminate information.....pg. 49

[HB 1287](#) (Delegate Runion): Procured plastic materials; DGS to direct state agencies to identify recycled content amounts.....pg. 50

[HB 1290](#) (Delegate Hayes): Public bodies; security of government databases and data communications, report.....pg. 50

[SB 128](#) (Senator Obenshain): Small Business and Supplier Diversity, Department of; redefines “small business.”.....pg. 50

[SB 152](#) (Senator Locke): FOIA and FOIA Advisory Council; definition of official public government website.....pg. 51

[SB 416](#) (Senator DeSteph): Virginia Public Procurement Act; purchase of personal protective equipment.....pg. 51

[SB 631](#) (Senator Barker): Fair Labor Standards Act; employer liability, overtime required for certain employees, report.....pg. 52

[SB 764](#) (Senator Barker): Public bodies; security of government databases and data communications, report.....pg. 52

DJJ LEGISLATION

HB 228 / SB 546 (Delegate Coyner / Senator Marsden): Juvenile boot camps; eliminates authority of the Department of Juvenile Justice to establish.

- **Existing Law (through June 30):**
 - Section 16.1-228 defines “boot camp” to mean a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.
 - Section 16.1-278.8(A)(4a) includes, as a dispositional option, the ability of the court to defer disposition and place the juvenile in the temporary custody of the Department to attend a boot camp established pursuant to § 66-13 provided bed space is available for confinement and the juvenile (i) has been found delinquent for an offense that would be a Class 1 misdemeanor or felony if committed as an adult, (ii) has not previously been and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, (iii) has not previously attended a boot camp, (iv) has not previously been committed to and received by the Department, and (v) has had an assessment completed by the Department or its contractor concerning the appropriateness of the candidate for a boot camp Upon the juvenile’s withdrawal, removal or refusal to comply with the terms and conditions of participation in the program, he shall be brought before the court for a hearing at which the court may order any other disposition as authorized by this section which could have been imposed at the time the juvenile was placed in the custody of the Department.
 - Section 66-13(B) provides that the Department may establish, or contract with private entities, political subdivisions or commissions to establish juvenile boot camps. The Board shall prescribe standards for the development, implementation and operation of the boot camps with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline and no less than six months of intensive aftercare. The Department’s Division of Education shall establish staff, and maintain educational programs for such juveniles. A contract to expend state funds to establish a facility for a juvenile boot camp shall not be executed by the Department unless an appropriation has been expressly approved as is otherwise provided for by law.

- **Reason for Legislation:**
 - The last state-contracted juvenile boot camp closed in 2003. But the Code still allows for the possibility.
 - Under current law, DJJ has the authority to establish or contract with other entities to establish juvenile boot camps. Juveniles found delinquent of Class 1 misdemeanors or qualifying felony offenses could be required to attend such boot camps.
 - § 16.1-228 defines “boot camp” as a short-term juvenile residential facility with highly structured components, including military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

- The Code directs the Board of Juvenile Justice to prescribe standards for the development, implementation, and operation of these boot camps.
 - Juvenile boot camps are fundamentally inconsistent with current juvenile justice best practices for secure care.
 - National studies suggest that juvenile boot camps are not effective in reducing recidivism in juvenile offenders.
 - DJJ’s evaluation of one of its contracted boot camps indicated that more than half of the young people in the program were unsuccessful due to rearrests or AWOL status.
 - DJJ does not anticipate establishing or contracting for the establishment of any similar programs in the future, for the reasons discussed above,
- **Impact of Legislation:**
 - Strikes all references to juvenile “boot camps” in Code – eliminating an outdated punishment that is not supported by a contemporary understanding of best practices for young people or public safety.
 - Eliminates juvenile boot camps as a dispositional option for addressing certain delinquent offenses; removes the Department of Juvenile Justices’ (DJJ) authority to establish or contract for such facilities; and relieves the Board of Juvenile Justice of its duty to prescribe standards for such facilities.

COURTS / INTAKE

HB 623 (Delegate Hudson): Guardianship and conservatorship; duties of the guardian ad litem, report contents.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Adds to the duty of a guardian ad litem appointed to represent the interests of a respondent in a guardianship or conservatorship case the requirement to notify the court as soon as practicable if the respondent requests counsel regardless of whether the guardian ad litem recommends counsel.
 - The bill further directs the guardian ad litem to include in his report to the court an explanation by the guardian ad litem as to any (i) decision not to recommend the appointment of counsel for the respondent, (ii) determination that a less restrictive alternative to guardianship or conservatorship is not available, and (iii) determination that appointment of a limited guardian or conservator is not appropriate.

HB 671 (Delegate Hope): Permanent protective orders; Hope Card Program created.

- **Existing Law (through June 30):**

- Not applicable.
- **Impact of Legislation:**
 - Requires the Office of the Executive Secretary of the Supreme Court of Virginia to develop and all district courts and circuit courts to implement the Hope Card Program (the Program) for the issuance of a Hope Card to any person who has been issued a permanent protective order by any district court or circuit court. The bill provides that a Hope Card issued pursuant to the Program shall be a durable, plastic, wallet-sized card containing, to the extent possible, essential information about the protective order, such as the identifying information and characteristics of the person subject to the protective order, the issuance and expiration date of the protective order, the terms of the protective order, and the names of any other persons protected by the protective order.

HB 731 / SB 149 (Delegate Ward / Senator Norment): Juvenile law-enforcement records; inspection of records.

- **Existing Law (through June 30):**
 - Section 16.1-301, pertaining to confidentiality of juvenile law-enforcement records, currently directs law-enforcement agencies to take precautions to protect records involving juveniles from unauthorized disclosure or inspection. Such records are only open for inspection to: (i) courts having the juvenile before them; (ii) officers of institutions to which the juvenile is committed and persons responsible for the juvenile’s supervision upon release; (iii) others having a legitimate interest in the case or the law-enforcement agency’s work, if ordered by the court; (iv) law-enforcement officers in other jurisdictions if necessary to carry out their duties and if ordered by the court; (v) probation and other professional court staff for presentence reports or other dispositional proceedings if the juvenile has had a subsequent criminal conviction; officials of penal facilities where the juvenile is committed; or a parole board for purposes of considering discharge or supervising the juvenile; (vi) the juvenile, parent, guardian, or other custodian, and counsel for the juvenile by court order; and (vii) the parties authorized to access juvenile record information contained in the Central Criminal Records Exchange pursuant to § 19.2-389.1 and in accordance with the process established in 19.2-390.
- **Impact of Legislation:**
 - Amends the restrictions on a juvenile; their parent, guardian or other custodian; and their counsel’s ability to inspect law-enforcement records concerning the juvenile. The bill removes the court order restriction and allows such parties to inspect these records only if: (a) no other law or Rule of the Supreme Court of Virginia requires or allows withholding of the record; (b) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (c) any identifying information of other involved juveniles is redacted. The bill clarifies that law-enforcements agencies and officers may continue to disclose accident reports and other reports that must be made to DMV if they have created such reports or have them in their custody.

HB 738 / SB 691 (Delegate Bell / Senator Mason): Competency to stand trial; order for evaluation or treatment.

- **Existing Law (through June 30):**
 - Not Applicable.
- **Impact of Legislation:**
 - Provides that whenever a court orders an evaluation of a defendant's competency to stand trial, the clerk of the court shall provide a copy of the order to the Department of Behavioral Health and Developmental Services.

HB 756 / SB 614 (Delegate Adams / Senator Stanley): Bail for a person accused of a crime that is an act of violence; notice to attorney.

- **Existing Law (through June 30):**
 - Section 19.2-121 pertains to the fixing of terms of bail. Subsection B of the statute currently provides that when a magistrate conducts a bail hearing for a person arrested on a warrant or capias for a jailable offense, the magistrate shall describe the information considered under subsection A on a form provided by the Executive Secretary of the Supreme Court and shall transmit the completed form to the circuit court or the district court before the warrant or capias is returnable.
- **Impact of Legislation:**
 - Amends § 19.2-121(B) to add “and if such jailable offense is an act of violence as defined in § 19.2-297.1, then such magistrate shall transmit within 24 hours a copy of the completed form to the attorney for the Commonwealth for the jurisdiction where the warrant or capias is returnable. Transmissions of such copy to the attorney for the Commonwealth may be by facsimile or other electronic means.

HB 1318 / SB 424 (Delegate Adams / Senator Edwards): Probation violation guidelines; use of sentencing revocation report and discretionary sentencing.

- **Existing Law (through June 30):**
 - Section 17.1-803 pertains to the powers and duties of the Virginia Criminal Sentencing Commission.
- **Impact of Legislation:**
 - Amends § 17.1-803 by adding two duties; (i) to prepare, periodically update, and distribute a form for recording the reasons for, and outcomes of, revocation hearings conducted in circuit courts pursuant to § 19.2-306, and (ii) to develop, maintain, and modify a system of statewide discretionary sentencing guidelines for use in hearings conducted in circuit courts pursuant to § 19.2-306 in which the defendant is cited for violation of a condition or conditions of supervised probation imposed as a result of a felony conviction. Such guidelines shall take into account historical data for sentences imposed in such cases and other factors as may be deemed relevant for sentencing.

- Creates a new § 19.2-306.2 to provide that the court will be presented with such guidelines when a defendant is cited for violating a condition or conditions of supervised probation imposed as a result of a felony conviction and such person is under the supervision of a state probation and parole officer. The court shall review and consider the suitability of the applicable discretionary probation violation guidelines. Before imposing sentence, the court shall state for the record that such review and consideration have been accomplished and shall make the completed worksheets a part of the records of the case. In any case in which the court imposes a sentence that is greater than or less than that indicated by the discretionary probation violation guidelines, the court shall provide a written explanation of such departure to be filed with the record of the case.

HB 1320 / SB 423 (Delegate Adams / Senator Edwards): Discretionary sentencing guidelines; midpoint for violent felony offenses, report, effective date.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation (first bullet effective January 1, 2023):**
 - Clarifies the Virginia Criminal Sentencing Commission's authority to recommend revisions to the discretionary sentencing guidelines based on historical sentencing data.
 - The bill also requires the Commission to submit a report to the General Assembly, the Governor, and the Chief Justice of the Supreme Court of Virginia by October 1, 2022, documenting the impact on sentencing guideline midpoints for each offense if the Commission were to recommend changes to the midpoints based on analysis of historical sentencing data.

HB 1339 (Delegate Leftwich): Facial recognition technology; redefines, local law enforcement and campus police to utilize.

- **Existing Law (through June 30):**
 - Not Applicable.
- **Impact of Legislation:**
 - Redefines facial recognition technology, for the purposes of providing criteria for the lawful use of facial recognition technology by law enforcement, as conducting an algorithmic comparison of images of an individual's facial features for the purposes of identification.
 - The bill authorizes local law-enforcement agencies and campus police departments to utilize facial recognition technology for certain authorized uses as defined in the bill.
 - The bill requires that local law-enforcement agencies and campus police departments publicly post and annually update policies regarding the use of facial recognition technology and maintain records regarding the use of facial recognition technology and report the data annually to their communities.
 - The bill also makes it a Class 3 misdemeanor for any facial recognition technology operator employed by a local law-enforcement agency or campus police department to

- violate the agency or department's policy regarding the use of facial recognition technology or to conduct a search for any other reason than an authorized use.
- Additionally, the bill requires the Department of State Police to develop a model policy regarding the use of facial recognition technology by January 1, 2023.
- The bill directs the Virginia State Crime Commission to submit a report with an analysis and recommendations about the use of facial recognition technology to the Chairmen of the Senate Committee on the Judiciary and the House Committee on Public Safety by November 1, 2025.
- The provisions of the bill expire on July 1, 2026.

SB 102 (Senator Hanger): Arrest warrant; criminal acts committed during a close pursuit.

- **Existing Law (through June 30):**
 - Section 19.2-77, provides that whenever a person in the custody of an officer shall escape or whenever a person shall flee from an officer attempting to arrest him, such officer, with or without a warrant, may pursue such person anywhere in the Commonwealth and, when actually in close pursuit, may arrest him wherever he is found. If the arrest is made in a county or city adjoining that from which the accused fled, or in any area of the Commonwealth within one mile from which he fled, the officer may forthwith return the accused before the proper official of the county or city from which he fled. If the arrest is made beyond the foregoing limits, the officer shall proceed according to the provisions of § 19.2-76, and if such arrest is made without a warrant, the officer shall procure a warrant from the magistrate serving the county or city wherein the arrest was made, charging the accused with the offense committed in the county or city from which he fled.
- **Impact of Legislation:**
 - Adds that the magistrate serving the county or city wherein the arrest was made may, in addition to charging the accused with the offense committed in the county or city from which the person fled, may also charge for any offense committed during the close pursuit in the county or city where such offense was committed.

SB 198 (Senator Mason): Disposition when defendant found incompetent; involuntary admission of the defendant.

- **Existing Law (through June 30):**
 - Under current law, the court is required to order that the defendant receive treatment to restore his competency.
- **Impact of Legislation:**
 - Provides that in cases where the defendant has been charged with a misdemeanor larceny-related offense or a misdemeanor offense for trespassing, destruction of property, intoxication in public, disorderly conduct, or failure to appear and is found to be incompetent following a competency evaluation, the competency report may recommend that the court direct the community services board or behavioral health authority to (i) conduct an evaluation to determine whether the defendant meets the

- criteria for temporary detention and (ii) upon determining that the defendant does meet the criteria for temporary detention, file a petition for issuance of an order for temporary detention of the defendant.
- Similarly, the bill provides that, in cases in which a defendant has been charged with one of the listed misdemeanors, is found to be incompetent, and the competency report recommends that the defendant be temporarily detained, the court may dismiss the charges without prejudice and, in lieu of ordering that the defendant receive treatment to restore his competency, order the community services board or behavioral health authority to conduct an evaluation of the defendant and if the board or authority determines that the defendant meets the criteria for temporary detention, file a petition for issuance of an order for temporary detention.
 - The bill provides that the court shall not dismiss such charges and enter such order if the attorney for the Commonwealth is involved in the prosecution of the case and does not concur in the motion.
 - The bill also clarifies the process following the completion of the competency evaluation of a defendant.
 - The bill has an expiration date of July 1, 2023.

SB 392 (Senator Reeves): Clerk of court; copies of appointment order to counsel.

- **Existing Law (through June 30):**
 - Section 19.2-266.4 pertains to expert assistance for indigent defendants.
- **Impact of Legislation:**
 - Amends 19.2-266.4 to provide that the clerk of the court shall provide a copy of the appointment order of a qualified expert to an indigent defendant or his attorney and to the appointed expert.
 - It further provides that the chief judge of each juvenile and domestic relations court may provide for an alternative means of copying and distributing certain juvenile investigative reports or evaluations to counsel.

SB 404 (Senator Stuart): Search warrants; copy of search warrant and affidavit given to at least one adult occupant.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Clarifies that if the owner of the place to be searched is not present, a copy of the search warrant and affidavit shall be given to at least one adult occupant of the place to be searched.

CRIME

HB 470 / SB 729 (Delegate Bell / Senator Ruff): Catalytic converters; tampering with, etc., penalty.

- **Existing Law (through June 30):**
 - Section 18.2-146 pertains to the breaking, injuring, defacing, destroying, or preventing the operation of a vehicle, aircraft, boat, or vessel. It makes it a Class 1 misdemeanor to break, injure, tamper with, or remove any part or parts of any vehicle, aircraft, boat, or vessel for the purpose of injuring, defacing, or destroying said vehicle, etc., or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, etc, or who shall in any manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, etc.
 - Section 59.2-236.3 pertains to the purchase of nonferrous scrap, metal articles, and proprietary articles and the documentation required for sales of such items.
- **Impact of Legislation:**
 - Amends § 18.2-146 to create an exception for catalytic converters by stating that if the violation involves the breaking, injuring, tampering with, or removal of a catalytic converter or the parts thereof, it is a Class 6 felony. A prosecution or proceeding for a felony under this section is a bar to a prosecution or proceeding under § 18.2-137 for the same act.
 - Amends § 59.1-136.3 to require that the copies of documentation that scrap metal purchasers are required to maintain are required to obtain for the purchase of catalytic converters or the parts thereof, such as (i) establish that the person from whom they purchased the catalytic converter or the parts thereof had lawful possession of it at the time of sale or delivery, and (ii) detail the scrap metal purchaser's diligent inquiry into whether the person selling had a legal right to do so. The bill also requires that such documentation be maintained for at least two years after the purchase and that copies be made available upon request to any law-enforcement officer, conservator of the peace, or special conservator of the peace in the performance of his duties who presents his credentials at the scrap metal purchaser's normal business location during normal business hours.

HB 451 (Delegate Bennett-Parker) Stalking; venue; penalty.

- **Existing law (through June 30):**
 - Currently, under § 18.2-60.3, evidence of stalking is admissible as long as the prosecution is based upon conduct occurring in the Commonwealth.
- **Impact of Legislation:**
 - The new law broadens the scope of evidence that can be admitted against an alleged perpetrator to include cyber-stalking conduct "either in person or through any other means, including by mail, telephone, or an electronically transmitted communication". The law also broadens venue to allow for prosecution in the

jurisdiction of the victim, thereby the victim does not have to go outside their home venue to bring charges. The bill also provides that evidence of any conduct that occurred outside of the Commonwealth may be admissible, if relevant, in any prosecution for stalking.

HB 571 / SB 366 (Senator Reeves): Historical horse racing, electronic gaming terminals, age requirement, penalty.

- **Existing Law (through June 30):**
 - Section 59.1-403 provides that no person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this chapter unless such person is eighteen years of age or older. No person shall accept any wager from a minor. No person shall be admitted into a satellite facility if such person is under eighteen years of age unless accompanied by one of his parents or his legal guardian. A violation of this section is a Class 1 misdemeanor.
- **Impact of Legislation:**
 - Amends § 59.1-403 to provide that no person under 21 years of age shall use any electronic gaming terminal or other electronic device in a satellite facility to wager or conduct any wagering on historical horse racing.

HB 632 (Delegate Carr): Exhaust systems; excessive noise.

- **Existing Law (through June 30):**
 - Section 46.2-1049 of the Code of Virginia mandates that exhaust systems on vehicles be in good working order. However, violations of this section of the code cannot be a primary offense of a traffic stop initiated by a law enforcement officer.
- **Impact of Legislation:**
 - HB 632 makes certain secondary offenses related to loud exhaust systems that are not in good working order primary offenses and exempts local ordinances related to such exhaust systems from the prohibition on law-enforcement officers stopping a vehicle for a violation of a local ordinance unless it is a jailable offense.

HB 740 / SB 729 (Delegate Bell / Senator Ruff): Catalytic converters; penalties.

- **Existing Law (through June 30):**
 - Currently, Section 18.2-146 of the Code of Virginia makes it a Class 1 misdemeanor to break, destroy or render inoperable a vehicle, aircraft, boat, or vessel. Additionally, Section 18.2-137 makes it a felony to damage property in excess of \$1,000.
- **Impact of Legislation:**
 - HB 740 makes it a Class 6 felony under Section 18.2-146 to specifically break, destroy or render inoperable the catalytic converter of a vehicle, aircraft, boat, or vessel. Damage to other parts of a vehicle, etc is still a Class 1 misdemeanor. The bill also provides that prosecution for felony damage to a catalytic converter under Section 18.2-146 prohibits any further prosecution for felony destruction of property under Section

18.2-137. The bill also creates a new standard for scrap metal dealers specific to receiving scrap catalytic converters, whereby such dealers must catalog the sale, the information of the seller, keep such documentation for 2 years, and make such information available to law enforcement upon request.

HB 833 (Delegate Wilt): Group violence intervention; definition, Operation Ceasefire Grant Fund created.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Creates the Operation Ceasefire Grant Fund (the Fund) to be managed by the Office of the Attorney General. The bill provides that moneys in the Fund shall be used to implement violent crime reduction strategies, to provide training for law-enforcement officers and prosecutors, to provide equipment for law-enforcement agencies, and to award grants to organizations that are involved in group violence intervention efforts. The bill defines "group violence intervention" as comprehensive law-enforcement, prosecutorial, and community-based initiatives, substantially similar to Operation Ceasefire as implemented in Boston, Massachusetts, and the Gang Reduction Programs implemented in Los Angeles, California, and Richmond.

HB 920 / SB 247 (Delegate Kilgore / Senator Surovell): Careless driving; vulnerable road users.

- **Existing Law (through June 30):**
 - Section 46.2-816.1 makes it a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury of a vulnerable road user who is lawfully present on the highways at the time of injury.
 - The section defines a "vulnerable road user" to mean a pedestrian, the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device, or any person riding an animal.
- **Impact of Legislation:**
 - Amends § 46.2-816.1 to add that it is also a Class 1 misdemeanor if the careless or distracted driving is the proximate cause of the death of the vulnerable road user.
 - Also amends § 46.2-392 to allow a court to suspend the driver's license or restrict the driver's license of a person convicted of careless driving for not less than 10 days and up to six months.

SB 325 (Senator Reeves): Alcoholic beverage control; transportation of alcoholic beverages purchased.

- **Existing Law (through June 30):**
 - Section 4.1-311 pertains to limitations on transporting lawfully purchased alcoholic beverages.
- **Impact of Legislation:**
 - Increases the amount of alcoholic beverages purchased outside the Commonwealth that a purchaser may transport into or within the Commonwealth from one gallon to three gallons. This limitation does not apply to wine or beer transported into the Commonwealth if consigned to a wholesale wine or beer license. The limitation does not apply to alcoholic beverages other than wine or beer if such alcoholic beverages (i) are consigned to the Board, (ii) are being transported to a distillery or winery licensee, or (iii) are ordered by the Board and are being transported directly to persons for industrial purposes, persons for the manufacture of articles allowed to be manufactured under § 4.1-200 (exemptions from licensure), or hospitals pursuant to a permit issued by the Board for which the Board may charge a reasonable fee.

SB 362 (Senator Stuart): Bicycles and certain other vehicles; riding two abreast.

- **Existing Law (through June 30):**
 - Section 46.2-905 requires persons operating a bicycle, electric personal assistance mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a roadway at less than the normal speed of traffic shall ride as close as safely practicable to the right curb or edge of the roadway, except under specific, enumerated circumstances. Persons riding such items shall not ride more than two abreast.
- **Impact of Legislation:**
 - Amends § 46.2-905 to add that persons riding two abreast shall not impede the normal and reasonable movement of traffic and shall move into a single-file formation as quickly as is practicable when being overtaken from the rear by a faster-moving vehicle. However, the failure to move into a single-file formation shall not constitute negligence per se in any civil action. This section shall not change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim that otherwise exists.

SB 440 (Sen. Boysko): Unlawful hazing; civil and criminal liability.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Provides immunity for arrest and prosecution for hazing and involuntary manslaughter if a person in good faith seeks or obtains emergency medical attention for a person who has received a bodily injury by hazing or renders emergency care or assistance, including cardiopulmonary resuscitation (CPR), to a person who has received a bodily injury by hazing while another person seeks or obtains emergency medical attention for such person.

- The bill also clarifies that a prosecution of a hazing violation shall not preclude prosecution under any other statute.
- The bill also provides that the attorney for the Commonwealth may file a petition for mandamus or injunction against the president or other presiding official of any school or institution of higher education receiving appropriations from the state treasury seeking to enforce the required disciplinary and notifications provisions associated with acts of hazing.

SB 591 (Senator Hanger): Marijuana; shape productions, definitions.

● **Existing Law (staggered effective dates):**

- Not applicable.

● **Impact of Legislation:**

- Modifies the definition of "marijuana" in several Code sections to
 - (i) include any substance containing a total tetrahydrocannabinol concentration that exceeds 0.3 percent or more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package and
 - (ii) exclude industrial hemp that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture or his agent; an industrial hemp extract that contains a tetrahydrocannabinol concentration of no greater than 0.3 percent and no more than 0.25 milligram of tetrahydrocannabinol per serving or more than one milligram per package at the time such industrial hemp extract is offered for retail sale and is derived from industrial hemp grown, dealt, or processed in compliance with state or federal law; and any drug product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act by the Board of Pharmacy.
- The bill defines "tetrahydrocannabinol" to include any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, or salts of isomers.
- The bill removes references in the Code to delta-9 tetrahydrocannabinol and amends numerous sections to accommodate for the definitional changes described above.
- The bill requires the Board of Directors of the Virginia Cannabis Control Authority to promulgate regulations that prohibit the production and sale of retail marijuana and retail marijuana products that depict or are in the shape of a human, animal, vehicle, or fruit.
- The bill has staggered effective dates.

SB 604 (Senator Stanley): Animal cruelty; companion animals, penalty.

● **Existing Law (through June 30):**

- For purposes of the Virginia Code chapter pertaining to Virginia’s animal cruelty laws, § 3.2-6500 defines “companion animal” to mean any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or an animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. No agricultural animal, game species, or animal

regulated under federal law as a research animal shall be considered a companion animal for purposes of this chapter.

- **Impact of Legislation:**

- Amends § 3.2-6500, for the purpose of clarifying it, to strike the words “animal regulated under federal law as a research animal” and replacing those words with “animal actively involved in bona fide scientific or medical experimentation.”

SB 741 (Senator Surovell): Facial recognition technology; authorized uses.

- **Existing Law (through June 30):**

- Not applicable.

- **Impact of Legislation:**

- Authorizes local law-enforcement agencies, campus police departments, and the Department of State Police (the Department) to use facial recognition technology for certain authorized uses as defined in the bill.
- The bill requires that the appropriate facial recognition technology be determined by the Division of Purchases and Supply and that such facial recognition technology be evaluated by the National Institute of Standards and Technology and have an accuracy score of at least 98 percent true positives across all demographic groups.
- The bill directs the Department to develop a model policy regarding the investigative uses of facial recognition technology, including training requirements and protocols for handling requests for assistance in the use of facial recognition technology made to the Department by local law-enforcement agencies and campus police departments, to be posted publicly no later than January 1, 2023, and requires local law-enforcement agencies or campus police departments that use facial recognition technology to either adopt the Department's model policy or develop an individual policy that meets or exceeds the standards set by the Department's model policy.
- The bill directs local law-enforcement agencies, campus police departments, and the Department to collect and maintain certain data related to the use of facial recognition technology and to publish an annual report to provide information to the public regarding the agency's use of facial recognition technology.
- The bill clarifies that any match made through facial recognition technology shall not be used in an affidavit to establish probable cause for the purposes of a search or arrest warrant.
- Additionally, any facial recognition technology operator employed by a local law-enforcement agency, campus police department, or the Department who violates the agency's or department's policy for the use of facial recognition technology or conducts a search for any reason other than those authorized by the bill is guilty of a Class 3 misdemeanor for a first offense, and is guilty of a Class 1 misdemeanor for a second or subsequent offense.

SB 758 (Senator Pillion): Switchblade; selling or possessing.

- **Existing Law (through June 30):**
 - Section 18.2-311 makes it a Class 4 misdemeanor for any person to sell or barter, or exhibit for sale or for barter, or give or furnish, or cause to be sold, bartered, given, or furnished, or has in his possession, or under his control, with the intent of selling, bartering, giving, or furnishing, any blackjack, brass or metal knuckles, any disc of whatever configuration having at least two points or pointed blades which is designed to be thrown or propelled and that may be known as a throwing star or oriental dart, switchblade knife, ballistic knife, or like weapons.
- **Impact of Legislation:**
 - Eliminates the prohibition for selling, bartering, giving, furnishing, or possessing with the intent of selling, bartering, giving or furnishing a switchblade.

DETENTION

HB 170 (Delegate Marshall): Correctional facilities; work release programs.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Directs the Secretary of Public Safety and Homeland Security to convene a work group to study inmate work release programs. The work group shall be composed of at least one representative from each of the following groups; the Office of the Executive Secretary, Department of Corrections, Virginia Sheriff's Association, Virginia Association of Regional Jails, and one or more organizations that specialize in reentry services, including transition and employment.
 - The work group shall report its findings and recommendations to the Secretary of Health and Homeland Security and the Chairmen of the House Committee for Courts of Justice, House Committee on Public Safety, Senate Committee on Rehabilitation and Social Services, and Senate Committee on the Judiciary by December 1, 2022.

HB 388 (Delegate Willett): State facilities; video visitation.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Requires the director of every state facility to establish a process to facilitate virtual visitation through the use of audio and video equipment for individuals receiving services at the state facility.

HB 502 (Delegate Mullin): Credit for time spent in confinement while awaiting trial; separate, dismissed, or nolle prosequi.

- **Existing Law (through June 30):**
 - Section 53.1-187 of the Code of Virginia defines credit for time spent in confinement while awaiting trial.
- **Impact of Legislation:**
 - HB 502 provides that credit for time spent in confinement while awaiting trial shall include any time spent in pretrial confinement or detention on separate, dismissed, or nolle prosequi charges that are from the same act as the violation for which the person is convicted and sentenced to a term of confinement.

HB 1332 / SB 700 (Delegate Greenhalgh / Senator DeSteph): Covering a security camera on a correctional facility; penalty.

- **Existing Law (through June 30):**
 - Not applicable. New law.
- **Impact of Legislation:**
 - Creates a new statute, 18.2-473.2, pertaining to the covering of a security camera in a correctional facility. The bill applies to cameras installed in a state or local correctional facility, as well as any juvenile correctional facility.
 - Makes it a Class 1 misdemeanor, other than a correctional officer, to intentionally cover, remove, damage, render inoperable, or to otherwise obscure a security camera without the permission of the sheriff, jail superintendent, warden, or Director of the Department of Corrections or Department of Juvenile Justice.
 - Makes is a Class 6 felony for any person to intentionally cover, remove, damage, render inoperable, or to otherwise obscure a security camera with the intent of inhibiting or preventing a security camera from recording or transmitting a photograph, motion picture, or other digital image of the commission of a felony.

SB 108 (Senator Morrissey): Correctional facilities; DOC to convene a work group to study the use of restorative housing.

- **Existing Law (through June 30):**
 - Not applicable. New §1 bill.
- **Impact of Legislation:**
 - Directs the Department of Corrections to convene a work group to study the use of “restorative housing” within state correctional facilities and juvenile correctional centers, including the length of time each inmate is kept in restorative housing and the purposes for which inmates are placed in restorative housing.
 - As part of the study, the DOC shall facilitate confidential interviews between work group members and at least 25 persons currently incarcerated in a state correctional facility who are currently or who have within the past 12 months been placed in restorative housing units or other units within the state correctional facility under conditions of isolated or restrictive confinement and confidential interviews with existing staff and facility officials as requested by the work group.

- The work group shall make recommendations of its findings, including how to safely reduce or end the use of restorative housing that lasts longer than 14 days and criteria to be considered when a determination is made that placement in restorative housing should last longer than 14 days.
- The work group should be composed of at least one licensed clinical psychologist, at least three formerly incarcerated individuals, each of whom was placed in restorative housing during his term of incarceration, and at least three representatives from each of the following agencies or groups: (i) the DOC, (ii) the Department of Juvenile Justice, and (iii) the Virginia Coalition on Solitary Confinement.
- The work group shall report its findings and recommendations to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by December 1, 2022.

SB 581 (Senator Morrissey): Correctional facilities, local and regional; fees charged to inmates.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Directs the State Board of Local and Regional Jails (the Board) to convene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in local or regional correctional facilities, including fees related to the costs of an inmate's keep, work release, or participation in educational or rehabilitative programs; telephone services; commissaries; and electronic visitation systems.
 - The bill requires the Board to report its findings and recommendations to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by December 1, 2022.

SB 673 (Senator Morrissey): Correctional facilities, local; entry privileges.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Authorizes the Governor and members of the General Assembly to enter the interior of any local correctional facility.

EDUCATION

HB 4 / SB 36 (Delegate Wyatt / Senator Norment): School principals; incident reports, written threats against school personnel, etc.

- **Existing Law (through June 30):**

- Under current law, the principal must immediately report to local law enforcement the following offenses if such offenses constitute a felony: (ii) assault and battery resulting in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person, or stalking of any person on a school bus, on school property, or at a school-sponsored activity; (iii) conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or anabolic steroid on a school bus, on school property, or at a school-sponsored activity (including theft or attempted theft of student prescription medications); (iv) threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm onto school property; (vi) illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, or explosive or incendiary devices, or chemical bombs on a school bus, on school property, or at a school-sponsored activity; or (vii) threats or false threats to bomb made against school personnel or involving school property or school buses. The principal may, but is not required to, report any of such enumerated acts, including (i) assault or assault and battery, without bodily injury, that may constitute a misdemeanor. HB 4 will require that the principal immediately report to law enforcement, and to the parents of any minor student who is the specific object of such act that has been so reported, any of the offenses enumerated in (ii) through (viii), regardless of whether such act constitutes a felony or misdemeanor, and may report an incident described in clause (i).
- Section 22.1-279.3:1(D) was recently amended in 2020 to require the reporting of the enumerated acts only if they constituted felonies (SB 729 – Sen. McClellan). Prior to 2020, such acts that constituted misdemeanors were required to be reported as well. HB 4, therefore, as introduced, sought to reverse the impact of SB 729 from the 2020 Session.

- **Impact of Legislation:**

- Adds amendments to 8.01-47, concerning immunity of persons investigating or reporting certain incidents at schools, to add to the reports covered, 1) illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, explosive or incendiary devices, or chemical bombs on a school bus, on school property, or at a school-sponsored activity, and 2) any false threats to bomb made against school personnel or involving school property or school buses.
- Makes some organizational changes to 22.1-279.3:1 and removes the requirement that law enforcement make reports to the superintendent and principal on all incidents involving the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school sponsored event.
- Further amends 22.1-279.3:1 to require that each principal report to local law enforcement offenses which are currently required to be reported, to now also include misdemeanors, but makes it discretionary whether the principal reports 1) an offense involving alcohol, marijuana, a controlled substance, or an imitation controlled substance, or any anabolic steroid, or 2) assault and battery that results in bodily injury of any person on a school bus, on school property, or at a school sponsored activity.

- Amends 22.1-279.3:3, pertaining to alternative school discipline process for certain incidents, to make a conforming change to align with an organizational change effected to 22.1-279,3:1.
- Emphasizes that the reporting of any threats against school personnel are only required if they are “written” threats.
- Provides that the principal is not required to, but may, report to local law enforcement, written threats against school personnel if committed by a student who has an individualized education plan.

HB 128 (Delegate Davis): Virginia Diverse Educator Scholarship Fund and Program; created and established.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Establishes the Virginia Diverse Educator Scholarship Fund and Program to be administered by the State Council of Higher Education for Virginia, for the purpose of annually providing to each Historically Black College or University in the Commonwealth (defined in the bill as Norfolk State University and Virginia State University) such sums as are necessary for each institution to annually provide renewable last-dollar scholarships on a competitive basis to two students who (i) attended a public elementary or secondary school in the Commonwealth in which at least 75 percent of the enrolled students qualify for free or reduced price lunch or are members of families whose income is below the federal poverty guidelines established by the U.S. Dept. of Health and Human Services; (ii) are accepted to or enrolled in such institution’s education preparation program; and (iii) are eligible for a federal Pell Grant.

HB 197 (Delegate Webert): Through-year growth assessment system; BOE to seek and incorporate input and suggestions into system.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Requires the Board of Education, in implementing the through-year growth assessment system for the administration of reading and mathematics assessments in grades three through eight, to seek input and suggestions from each interested local school division in the Commonwealth regarding ways in which the administration of such assessment and the reporting of assessment results can be improved, and shall, to the extent possible, incorporate such input and suggestions into the through-year growth assessment system.

HB 230 (Delegate Coyner): Teachers; licensure by reciprocity for military spouses, timeline for determination.

- **Existing Law (through June 30):**
 - Requires such regulations to provide for licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth.
- **Impact of Legislation:**
 - Requires the Board of Education’s licensure regulations to provide for licensure by reciprocity for any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education.

HB 236 (Delegate Orrock): Teachers’ licenses, certain; Board of Education permitted temporarily extend.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Permits the Board of Education to grant a two-year extension of the license of any individual licensed by the Board of Education pursuant to its statutory authority whose license expires on June 30, 2022, in order to provide the individual with sufficient additional time to complete the requirements for licensure or license renewal. The bill contains an emergency clause.

HB 484 (Delegate Helmer): Virginia Initiative for Education and Work; exemption for postsecondary students.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Exempts from mandatory participation in the Virginia Initiative for Education and Work recipients of Temporary Assistance for Needy Families who are enrolled full time in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and are taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license.

HB 718 / SB 661 (Delegate Filler-Corn / Senator Lucas): Apprenticeship program; Bd. of Workforce Development to prepare recommendations for primary office.

- **Existing Law (through June 30):**
 - Not applicable.

- **Impact of Legislation:**

- Directs the Virginia Board of Workforce Development (the Board) to collaborate with the Department of Labor and Industry, the Department of Education, and the Secretaries of Labor, Education, and Commerce and Trade and rely on data from the Office of Education and Labor Market Alignment in reviewing the performance of current apprenticeship programs in meeting high-demand industry needs.
- The bill requires the Board to prepare recommendations for creating a primary office for apprenticeship programs based on such review and report its recommendations to the Governor and the General Assembly by December 1, 2022.

HB 741 (Delegate Bell): Annual public elementary and secondary school safety audits; creation or review of school building.

- **Existing Law (through June 30):**

- Not applicable.

- **Impact of Legislation:**

- Requires each local school board, as part of each annual school safety audit, to create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate but provides that such floor plan may be withheld from public disclosure.

HB 873 (Delegate Greenhalgh): School boards; school resource officers; employment; threat assessment.

- **Existing Law (through June 30):**

- Section 22.1-79.4 of the Code of Virginia sets forth the requirements for threat assessment teams and oversight committees at public elementary and secondary schools.

- **Impact of Legislation:**

- HB 873 requires that the threat assessment team of any public elementary or secondary school, in which a school resource officer is employed, include at least one such school resource officer. The bill also requires the chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer to designate a law-enforcement officer to receive, either in-person or online, the school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with relevant law and requires such officer to serve as the law-enforcement liaison for the school administrator in such a school who has also received such training as prescribed by relevant law.

HB 1108 (Delegate Rasoul): Public schools; instruction concerning gambling, report.

- **Existing Law (through June 30):**

- Not applicable.
- **Impact of Legislation:**
 - Requires instruction concerning gambling and the addictive potential thereof to be provided by the public schools as prescribed by the Board of Education.
 - The bill requires the Board of Education to report to the Chairmen of House Committee on Education and the Senate Committee on Education and Health a description of such instruction.

HB 1129 / SB 600 (Delegate Taylor / Senator Pillion): School safety audits; law-enforcement officers.

- **Existing Law (through June 30):**
 - Section 22.1-279.8 pertains to school safety audits and school crisis, emergency management, and medical emergency response plans required. Under current law, the division superintendent is required to make the results of such audits available to the chief law enforcement officer upon request. Current law also requires that the completed walk-through checklist be made available to the chief law-enforcement or his designee upon request.
- **Impact of Legislation:**
 - Amends § 22.1-279.8 to require each local school board to require its schools to collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits.
 - The bill also requires that the completed walk-through checklist using the standardized checklist provided by the Virginia Center for School and Campus Safety be made available to the chief law-enforcement officer of the locality or his designee.

HB 1299 / SB 738 (Delegate Coyner / Senator Morrissey): Department of Education; State Council of Higher Education for Virginia; instruction.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - HB 1299 creates a new § 22.1-206.1, which requires the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The bill directs the Department to annually collect and compile such information in consultation with the State Council of Higher Education for Virginia and any other entity that can assist the Department with collecting and compiling such information and to update its distribution materials accordingly each year. The bill requires the Department to post and distribute the information to school boards, with any relevant updates, no later than October 1 each year and requires each school board to ensure that the information is readily available to each high school student and distributed to each high school student

who expresses an interest in attending an institution of higher education or completing another training program as described in the bill.

SB 490 (Senator McClellan): Standards of Quality; specialized student report.

- **Existing Law (through June 30):**
 - Each school board is required to provide at least three specialized student support positions per 1,000 students.
- **Impact of Legislation:**
 - Requires each school board to provide at least four specialized student support positions per 1,000 students.

HB 829 (Delegate Wilt): School counselors; staffing ratios, flexibility.

- **Existing Law (through June 30):**
 - Required one hour per day per 75 students, one full time school counselor at 375 students.
- **Impact of Legislation:**
 - Permits school boards to fulfill the staffing ratio requirements for school counselors by:
 - (i) employing, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or
 - (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, enter into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training.

HB 1215 (Delegate Ransone): Public middle schools; physical education to include personal safety training.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**

- Requires any physical education class offered to students in grades seven and eight to include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.

SB 598 (Senator Pillion): College partnership laboratory schools; application and establishment, contracts.

- **Existing Law (through June 30):**
 - Only public and private institutions of higher education that operate approved teacher education programs are permitted to apply to the Board to establish such a school, and no explicit provision is made for the conversion of an existing school.
- **Impact of Legislation:**
 - Permits any public institution of higher education and any nonprofit private institution of higher education that is eligible for the Tuition Assistance Grant Program to establish a college partnership laboratory school as a new school or through the conversion of all or part of an existing school.
 - The bill requires applications for formation of a college partnership laboratory school to describe how the applicant will cooperate with local school boards, including allowing the local school board to elect to name a board member to the governing board of the college partnership laboratory school, and to include assurances that the applicant will work with the State Council of Higher Education for Virginia to develop programs that may award college credits.
 - The bill requires the Board, among other criteria for reviewing and ruling on such applications, to give substantial preference to any application from a historically black college or university; any application to establish a college partnership laboratory school in an underserved community, which the bill defines as a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board; and any joint application submitted by an institution of higher education in partnership with one or more local school boards.
 - The provisions of the bill are contingent on funding in a general appropriation act.

SB 649 (Senator Hanger): Juvenile law-enforcement records; disclosure to school principals.

- **Existing Law (through June 30):**
 - Section 16.1-301 pertains to the confidentiality of juvenile law-enforcement records and disclosures to school principals. Currently, the chief of police or sheriff *may* disclose specified offenses to the school principal.
- **Impact of Legislation:**
 - Amends § 16.1-301 from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school has been charged with, and may disclose when a

juvenile is a suspect in, a violent juvenile felony, an arson offense, or a concealed weapon offense.

SB 656 (Senator Dunnivant): Sexually explicit content; DOE shall develop model policies, parental notification.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Requires the Department of Education to develop no later than July 31, 2022, model policies and each local school board to adopt no later than January 1, 2023, policies for ensuring parental notification of any instructional material that includes sexually explicit content and include information, guidance, procedures, and standards relating to (i) ensuring parental notification; (ii) directly identifying the specific instructional material and sexually explicit subjects; and (iii) permitting the parent of any student to review instructional material that includes sexually explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests.
 - The bill provides that the local school board policies shall be consistent with but may be more comprehensive than the model policies developed by the Department.
 - The bill states that the provisions of the bill shall not be construed as requiring or providing for the censoring of books in public elementary and secondary schools.

SB 738 (Senator Morrissey): High school students; instruction concerning post-graduate opportunities.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Requires the Department of Education to collect and distribute to public schools and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs.
 - The bill directs the Department to annually collect and compile such information in consultation with the State Council of Higher Education for Virginia and any other entity that can assist the Department with collecting and compiling such information and to update its distribution materials accordingly each year.
 - The bill requires the Department to post and distribute the information to school boards, with any relevant updates, no later than October 1 each year and requires each school board to ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program as described in the bill.

FIREARMS

SB 8 (Senator Petersen): **Hunting on Sundays; permits hunting on public or private land, etc.**

- **Existing Law (through June 30):**
 - Does not allow hunting on Sunday.
- **Impact of Legislation:**
 - Permits hunting on Sunday on public or private land, so long as it takes place more than 200 yards from a place of worship.

SB 487 (Senator McClellan): **Firearm Violence Intervention and Prevention, Virginia Center; established.**

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Establishes the Virginia Center for Firearm Violence Intervention and Prevention (the Center) within the Department of Criminal Justice Services and transfers to the Center the administration of the existing Virginia Gun Violence Intervention and Prevention Fund.

MENTAL HEALTH & MEDICAL

HB 16 / SB 63 (Delegate Fowler / Senator Ruff): **Safe haven protections; newborn safety device at hospitals for reception of children**

- **Existing Law (through June 30):**
 - Requires the child to be delivered to a safe haven within the first 14 days of the child's life.
- **Impact of Legislation:**
 - Provides an affirmative defense in certain criminal prosecutions and civil proceedings regarding child abuse or neglect to a parent who safely delivers his child within the first 30 days of the child's life to a newborn safety device located at a hospital with 24-hour emergency services or an emergency medical services (EMS) agency.
 - The bill also provides civil and criminal immunity to such hospitals and EMS agencies for injuries to children received through such newborn safety devices, provided that (i) the injuries are not the result of gross negligence or willful misconduct and (ii) the hospital or EMS agency meets certain requirements regarding the establishment, functioning, and testing of the device.

HB 50 (Delegate Fariss): Infant relinquishment laws; DSS to establish hotline to make information available to public.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Directs the Department of Social Services (DSS) to establish a toll-free, 24-hour hotline to make information about the Commonwealth's safe haven laws that provide for relinquishment of an infant, infant relinquishment locations, and support and resources available for parents available to the public and to make information about the hotline, including the toll-free number that may be used to contact the hotline, available on its website.
 - The bill also directs DSS to undertake a campaign to increase public awareness of the Commonwealth's laws providing for relinquishment of an infant and the hotline established.

HB 242 (Delegate Adams): Professional counselors, licensed; added to list of providers who can disclose or recommend records.

- **Existing Law (through June 30):**
 - Eligible workers: physician, clinical psychologist, clinical social worker, podiatrist, dentist, nurse, hospital, or other health care provider.
- **Impact of Legislation:**
 - Adds licensed professional counselors to the list of eligible providers who can disclose or recommend the withholding of patient records, face a malpractice review panel, and provide recommendations on involuntary temporary detention orders.

HB 916 (Delegate Robinson): Health care providers; health records of minors, available via secure website.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Provides that every hospital and health care provider that makes patients' health records available to such patients through a secure website shall make all health records of a patient who is a minor available to such patient's parent through such secure website unless the hospital or health care provider cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied by a health care provider or for which required consent has not been provided.

SB 119 (Senator Hanger): Involuntary temporary detention; disclosure of health records.

- **Existing Law (through June 30):**

- Not Applicable.

- **Impact of Legislation:**

- Provides that in any case in which a person subject to an evaluation to determine whether such person meets the criteria for an involuntary temporary detention order is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department.

SB 202 (Senator Newman): Alternative custody arrangements; options to increase use for certain individuals.

- **Existing Law (through June 30):**

- Not applicable.

- **Impact of Legislation:**

- Directs the Secretary of Health and Human Resources, together with the Secretary of Public Safety and Homeland Security, to study options to increase the use of alternative custody arrangements for individuals who are subject to an emergency custody or temporary detention order and to report his findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and the Senate Committees on Education and Health and Finance and Appropriations by October 1, 2022.

SB 268 (Senator Favola): Emergency custody and temporary detention, transportation, transfer of custody, alternative custody.

- **Existing Law (through June 30):**

- Section 37.2-810 pertains to the transportation of a person in the temporary detention process.

- **Impact of Legislation:**

- Provides that when a magistrate orders alternative transportation for an individual under a temporary detention order, the primary law enforcement agency that executes the order may transfer custody of the person to the alternative transportation provider immediately upon execution of the order.
- The alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law enforcement agency until such time as custody of the person is transferred to the temporary detention facility.
- The bill adds employees of and persons providing services pursuant to a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers.
- The bill clarifies that if no alternative transportation provider is available, the magistrate shall order a person to be kept in law enforcement custody.

- The bill also requires the Department of Behavioral Health and Developmental Services to amend an existing contract or enter into a new contract for alternative custody of persons who are subject to temporary detention orders, to the extent funding for such alternative custody is available.

SB 295 (Senator Deeds): Behavioral health dockets; responsibilities of local pretrial services.

- **Existing Law (through June 30):**
 - Section 19.2-152.4:3 enumerates the duties and responsibilities of local pretrial service officers. Paragraph B(2) specifically provides that each local pretrial services officer, may provide, as appropriate and when available resources permit, the facilitation of placement of defendants in a substance abuse education or treatment program or services or other education or treatment service, when ordered as a condition of bail.
- **Impact of Legislation:**
 - Amends § 19.2-152.4:3(B)(2) to add that the facilitation of such placement includes referral to screening for participation in a behavioral health docket that has been established in accordance with § 18.2-254.3 as a treatment service, when ordered as a condition of bail.

SB 593 (Senator Newman): Emergency custody or temporary detention order; custody and transportation of persons

- **Existing Law (through June 30):**
 - Currently, auxiliary police officers do not provide transportation for a person subject to an emergency custody or temporary detention order.
- **Impact of Legislation:**
 - Amends §§ 15.2-1731, 15.2-1734, 15.2-1735, 15.2-1736, 37.2-808, and 37.2-810 to allow auxiliary police officers to provide transportation for a person subject to an emergency custody or temporary detention order. The bill also directs the Department of Criminal Justice Services to establish compulsory minimum training standards for auxiliary police officers who are called into service solely for the purpose of providing transportation for such person subject to an emergency custody order or providing transportation for a person in the temporary detention process.

SEX OFFENSES & SEX OFFENDERS

HB 283 / SB 467 (Delegate Brewer / Senator Vogel): Human trafficking; training for law-enforcement personnel.

- **Existing Law (through June 30):**

- Section 9.1-102 of the Code of Virginia sets forth the powers and duties of the Criminal Justice Services Board and the Department of Criminal Justice Services (DCJS) to establish compulsory minimum training standards for law enforcement officers in the Commonwealth. Section 9.1-102.37 further directs the Board and DCJS to establish training standards and publish and periodically update model policies for law-enforcement personnel on a range of subjects including how to handle death notification, protocols for sexual assault response teams, and proper police pursuit during an emergency. The law currently requires DCJS to set forth training standards for “sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties” (Section 9.1-102.37i)
- **Impact of Legislation:**
 - HB 283 adds a new paragraph “j” to Section 9.1-102.37 which instructs DCJS to establish training standards for “the recognition, prevention, and reporting of human trafficking”. This language is somewhat duplicative of the previous paragraph “i”.

HB 434 (Delegate Sewell) Criminal sexual assault; definition of intimate parts; penalty.

- **Existing Law (through June 30):**
 - Section 18.2-67.10 of the Code of Virginia sets out general definitions related to crimes of sexual assault. Paragraph 2 defines "Intimate parts" as the genitalia, anus, groin, breast, or buttocks of any person. The code defines “breasts” as an intimate part, but is silent as to the same area of the body for children under 15.
- **Impact of Legislation:**
 - HB 434 will add to the definition of “intimate parts”, for the purposes of criminal sexual assault, to include the chest of a child under the age of 15.

HB 526 (Delegate Batten): Victims of human trafficking; eligibility for in-state tuition.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Provides that a non-Virginia student who is currently present in the Commonwealth as a result of being a victim of human trafficking, defined in the bill, is eligible for in-state tuition.
 - The bill provides that a person may be a victim of human trafficking regardless of whether any person has been charged with or convicted of any offense and that eligibility for in-state tuition may be proved by a certification of such status as a victim of human trafficking by a federal, state, or local agency or not-for-profit agency, one of whose primary missions is to provide services to victims of human trafficking.
 - The bill also requires public institutions of higher education to automatically record such a student as opting out of making any directory or educational information

available to the public unless the student voluntarily and affirmatively chooses to opt in to allowing such directory or educational information to be made available.

HB 711 (Delegate Keam): Writ of vacatur; victims of sex trafficking; payment of fees or costs.

- **Existing Law (through June 30):**
 - Section 19.2-327.15, et. al, of the Code of Virginia provides the procedures for a victim of sex trafficking to petition the Circuit Court to vacate certain criminal convictions related to prostitution.
- **Impact of Legislation:**
 - HB 711 provides that a petitioner for a writ of vacatur for victims of sex trafficking shall not be required to pay any fees or costs for filing such petition if the petitioner is found to be unable to pay them.

HB 719 / SB 658 (Delegate Filler-Corn / Senator McClellan): Physical evidence recovery kits; victim' right to notification, storage.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Provides that for a physical evidence recovery kit that (i) was collected by the Office of the Chief Medical Examiner as part of a routine death investigation and the medical examiner and the law-enforcement agency agree that analysis is not warranted, (ii) was determined by the law-enforcement agency not to be connected to a criminal offense, or (iii) is connected to an offense that occurred outside of the Commonwealth or another law-enforcement agency has taken over responsibility of the investigation and such kit is not transferred to another law-enforcement agency, the law-enforcement agency that received the physical evidence recovery kit shall store such kit for a period of 10 years or until 10 years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. The bill provides that after the mandatory retention period, the law-enforcement agency may destroy the physical evidence recovery kit, or in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time.
 - The bill also provides that when a state or local law-enforcement agency located within the Commonwealth has taken over responsibility for the investigation related to the physical evidence recovery kit, unless one of the other exceptions for submitting such kit to the Department of Forensic Science applies, the physical evidence recovery kit shall be transferred to such law-enforcement agency and such law-enforcement agency shall submit the physical evidence recovery kit to the Department of Forensic Science within 60 days of receipt from the original receiving law-enforcement agency.
 - The bill also requires the law-enforcement agency to inform the victim, parent, guardian, or next of kin of the unique identification number assigned to the physical

evidence recovery kit utilized by the health care provider and the personal identification number required to view the status of the physical evidence recovery kit and provide information regarding the Physical Evidence Recovery Kit Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known.

HB 1023 (Delegate Guzman): Family life education curricula, certain; optional instruction on human trafficking of children.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Permits any family life education curriculum offered by a local school division in high school to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of human trafficking of children.

HB 1334 (Delegate Murphy): Child abuse and neglect; amends definition, valid complaint.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Amends the definition of "abused or neglected child" to include a child who is sexually exploited or abused by an intimate partner of the child's parent or caretaker and allows a complaint of child abuse or neglect to be deemed valid by a local department of social services (local department) in such instances.
 - The bill allows a complaint of child abuse or neglect that alleges child trafficking to be deemed valid regardless of who the alleged abuser is or whether the alleged abuser has been identified.
 - The bill requires a local department that receives a complaint or report of child abuse or neglect over which it does not have jurisdiction to forward such complaint or report to the appropriate local department, if the local department that does have jurisdiction is located in the Commonwealth.

SB 227 (Senator Obenshain): Misdemeanor sexual offenses where the victim is a minor; statute of limitations, penalty.

- **Existing Law (through June 30):**
 - Section 19.2-8, pertaining to limitations on prosecutions, provides, in part, that a prosecution for a misdemeanor offense under §§ 18.2-64.2 (carnal knowledge of a person detained or arrested by a law enforcement officer or an inmate, parolee, probationer, juvenile detainee, or pretrial defendant or post trial defendant), 18.2-67.4 (sexual battery), 18.2-67.4:1 (infected sexual battery), 18.2-67.4:2 (sexual abuse of a

child under 15 years of age), 18.2-67.5 (attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery), or 18.2-370.6 (penetration of mouth of child with lascivious intent) where the victim is a minor at the time of the offense shall be commenced no later than one year after the victim reaches majority, unless the alleged offender of such an offense was an adult and more than three years older than the victim at the time of the offense, in which instance such prosecution shall be commenced no later than five years after the victim reaches majority.

- **Impact of Legislation:**

- Adds to the above offenses clause (ii) of § 18.2-371 (engages in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by a child 15 or older not his spouse, child, or grandchild) so that the prosecution of such offense can be commenced no later than five years after the victim reaches the age of majority if the alleged offender of such an offense was an adult and more than three years older than the victim at the time of the offense, Currently, the prosecution of such offense shall be commenced within one year after commission of the offense.

SB 249 (Senator Surovell): Sexual abuse of animals; definitions, penalty.

- **Existing Law (through June 30):**

- Not applicable. New statute.

- **Impact of Legislation:**

- Creates § 18.2-361.01, pertaining to the sexual abuse of animals.
- Defines “sexual contact” as any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain involving (i) contact between the sex organs or anus of one and the mouth, sex organs, or anus of another; (ii) the insertion of any part of the animal’s body into the vaginal or anal opening of the person; or (iii) the insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal or touching or fondling by a person of the sex organs or anus of an animal without a bona fide veterinary or animal husbandry purpose.
- Makes it a Class 6 felony for any person to knowingly (i) engage in sexual contact with an animal; (ii) causes another person by force, threat, or intimidation to engage in sexual contact with an animal; (iii) advertises, solicits, offers, sells, purchases, or possesses an animal with the intent that the animal be subject to sexual contact; (iv) permits sexual contact with an animal to be conducted on any premises under his ownership or control; or (v) produces, distributes, publishes, sells, transmits, finances, possesses, or possesses with the intent to distribute, publish, sell, or transmit an obscene item depicting a person engaged in sexual contact with an animal.
- Any person convicted of violating this section shall be prohibited by the court from possessing, owning, or exercising control over any animal. Additionally, the court may order such person to attend an appropriate treatment program or obtain psychiatric or psychological counseling and may impose the costs of such a program or counseling on the person convicted.
- Nothing in this section shall apply to an accepted veterinary practice; the artificial insemination of an animal for reproductive purposes; an accepted animal husbandry

practice, including grooming, raising, breeding, or assisting with the birthing process of animals; or generally accepted practices related to the judging of breed conformation.

SB 467 (Senator Vogel): Human trafficking; training for law-enforcement personnel.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Requires the Department of Criminal Justice Services to establish training standards for law-enforcement personnel regarding the recognition, prevention, and reporting of human trafficking.

SB 493 (Senator McClellan): Sexually explicit visual material to another; civil action for dissemination of images, penalty.

- **Existing Law (through June 30):**
 - Not applicable. New statute.
- **Impact of Legislation:**
 - Any person 18 years of age or older who knowingly transmits an intimate image by computer or other electronic means to the computer or electronic communication device of another person 18 years of age or older when such other person has not consented to the use of his computer or electronic communication device for the receipt of such material or has expressly forbidden the receipt of such material shall be considered a trespass and shall be liable to the recipient of the intimate image for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs. The court may also enjoin and restrain the defendant from committing such further acts. The remedies provided by this section are cumulative and shall not be construed as restricting a remedy that is available under any other law.
 - “Intimate image” means a photograph, film, video, recording, digital picture, or other visual reproduction of a person 18 years of age or older who is in a state of undress so as to expose the human male or female genitals.
 - Venue for any action under this section may lie in the jurisdiction where the intimate image is transmitted from or where the intimate image is received or possessed by the plaintiff.

SOCIAL SERVICES

HB 427 / SB 435 (Delegate Herring / Senator Barker): Children’s Services Act; community policy and management teams and family assessment, etc.

- **Existing Law (through June 30):**

- Not applicable.
- **Impact of Legislation:**
 - Removes provisions that prohibit a parent representative from serving as a member of a community policy and management team (CPMT) or a family assessment and planning team (FAPT) if such parent representative is employed by a public or private program that receives funds pursuant to the law or agencies represented on a FAPT or CPMT and interacts directly on a regular and daily basis with children or supervises employees who interact directly on a regular basis with children; however, the bill directs prioritization of participation by parent representatives who are not employed by a public or private program that receives funds pursuant to the law or agencies represented on a FAPT or CPMT.
 - The bill directs the State Executive Council for Children's Services to inventory current efforts to recruit and retain parent representatives on CPMTs and FAPTs and compile a list of best practices for including and elevating parent voices within CPMTs and FAPTs for distribution to local Children's Services Act programs.
 - The bill requires the State Executive Council for Children's Services to provide a copy of this report to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions no later than November 1, 2022.

HB 733 / SB 316 (Delegate Bell / Senator Marsden): Juvenile records; identification of children receiving coordinated services.

- **Existing Law (through June 30):**
 - In the 2021 Session, SB 1206 amended § 16.1-300, pertaining to confidentiality of DJJ records, to provide that juvenile court service unit records and DJJ records may be open for inspection to the Department of Social Services or any local department of social services that is providing services or care for, or has accepted a referral for a family assessment or investigation and the provision of services regarding a juvenile and these local agencies have met certain requirements and entered into a formal agreement with DJJ to provide coordinated services to such juveniles.
 - The bill also directed the Commission on Youth to convene a work group that would study data and record-sharing provisions regarding youth served by juvenile justice and child welfare systems and to recommend best practices for sharing, collecting, and using such data and records. The Commission on Youth met with stakeholders, including the Director of DJJ, in the spring and summer of 2021 and came up with several recommendations, which were compiled into a report for distribution to the Governor, the Senate Committee on the Judiciary, and the House Committee for Courts of Justice. HB 733 represents portions of the second and third recommendations made in the Commission on Youth's report.
- **Impact of Legislation:**
 - Amends §§ 63.2-104 and 63.2-105 and adds a new § 66-10.3 to expand upon HB 733 from the 2021 Session.
 - Under existing law, certain records, information, and statistical registries of DSS, its local departments, and child welfare agencies and certain records involving child

protective services investigations are confidential and may be disclosed only to persons having a “legitimate interest.” The bill defines such persons to include staff of the following organizations providing treatment, services, or care for a child who is the subject of such records for a purpose relevant to the provision of such services: (i) CSUs, (ii) DJJ; (iii) local CSBs; or (iv) DBHDS. The bill provides that these agencies shall have entered into a formal agreement with DJJ to provide coordinated services to such children, and provides that DJJ’s model MOU may satisfy this requirement. Finally, the bill, as introduced, provides that any such formal agreement entered into by the local agencies and DJJ shall be reviewed by the Office of the Attorney General before such agreement may take effect.

- Requires the Department of Juvenile Justice (DJJ) to adopt and biennially update a model memorandum of understanding (MOU) prescribing the roles of DJJ, the Department of Behavioral Health and Developmental Services (DBHDS), the Department of Social Services (DSS), court service units (CSUs), local departments of social services, and community service boards (CSBs) or behavioral health authorities regarding sharing information derived from juvenile records to serve juveniles who may have received services, treatment, or care from any of the above-referenced entities.
- Directs DJJ to consult with DBHDS, the Department of Criminal Justice Services (DCJS), DSS, the Office of Children’s Services, and DJJ-selected representatives from the CSUs, local departments of social services, CSBs or behavioral health authorities, youth and family organizations, and other DJJ-selected stakeholders in developing and updating the model MOU. The bill specifies the information that must be contained in the MOU, including how juveniles who are receiving services may be identified and how that identification will be shared among the agencies. The bill also directs DJJ to distribute the model MOU to each CSU, CSB, behavioral health authority, and local department of social services.

HB 751 (Delegate Bell): Mandated reporters of suspected abuse.

- **Existing Law (through June 30):**
 - Section 63.2-1509 of the Code of Virginia requires that certain injuries to children be reported by physicians, nurses, teachers, and other licensed professionals. As well, Section 63.2-1606 requires similar reporting of harms against incapacitated adults.
- **Impact of Legislation:**
 - HB 751 adds practitioners of behavior analysis to the list of individuals required to report suspected adult or child abuse or neglect. Section 54.1-2900 of the Code of Virginia defines "Practice of behavior analysis" as the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

SB 348 (Senator Surovell): Support orders; retroactivity, arrearages, party’s incarceration.

- **Existing Law (through June 30):**

- Not applicable.
- **Impact of Legislation:**
 - Makes various changes to provisions of law related to child and spousal support orders, including
 - (i) providing that in cases in which jurisdiction over child support or spousal support has been divested from the juvenile and domestic relations district court and no final support order has been entered, any award for child support or spousal support in the circuit court shall be retroactive to the date on which the proceeding was commenced by the filing of the action in the juvenile and domestic relations district court and
 - (ii) specifying that prejudgment interest on child support should be retroactive to the date of filing.
 - The bill provides that a party's incarceration for 180 or more consecutive days shall not be deemed voluntary unemployment or underemployment for the purposes of calculating child support and imputing income for such calculation.
 - The bill further provides that a party's incarceration for 180 or more days shall be a material change of circumstances upon which a modification of a child support order may be based.
 - The provisions of the bill related to imputation of income apply only to petitions for child support and petitions for a modification of a child support order commenced on or after July 1, 2022, and do not create a material change in circumstances for the purposes of modifying a child support order if a parent was incarcerated prior to July 1, 2022, and the incarcerated party cannot establish a material change in circumstances other than incarceration.

SB 485 (Senator McClellan): Delinquency Prevention and Youth Development Act; youth services citizen boards, duties, guidelines.

- **Existing Law (through June 30):**
 - The Juvenile Delinquency Prevention and Youth Development Act, set forth in § 66-26 through § 66-35, was designed to embody the requirements set forth in the federal Juvenile Justice and Delinquency Prevention Act (JJDP) established in 1974. The statutory requirements followed mandatory guidelines by the JJDP so that Virginia could access eligible federal grant funds. Beginning in 1979, Virginia committed funding to delinquency prevention by creating a statewide network of Offices on Youth with a focus on fostering positive youth development, empowering families to solve their own problems effectively, and identifying and coordinating local resources to support delinquency prevention efforts. The DJJ director has sole statutory authority to approve grants for participating localities. DJJ sustained approximately 43 Offices on Youth over the years and provided grant application reviews, grant awards, oversight, and certification.
 - Under the Act, localities must first enact an ordinance or resolution providing for the creation of a youth services citizen board before applying to the Director of DJJ for a grant. The board is responsible for formulating a comprehensive plan for the development, coordination, and evaluation of the youth services program and making recommendations to the local governing authority concerning the plan.

- Based on historical information, it appears as if the last year the Delinquency Prevention and Youth Development Act had dedicated funding was FY 2001. Subsequently, Offices on Youth became part of local Virginia Juvenile Community Crime Control Act (VJCCCA) plans and some opted to be locally operated with no state funding. While the grant funding was no longer available, the statutory framework still exists.

- **Impact of Legislation:**

- Directs the Department of Juvenile Justice to establish a list of best practice program models likely to qualify for grants under the Virginia Delinquency Prevention and Youth Development Act and to make such list available to localities.
- Changes the composition of the youth services citizen boards that are responsible for establishing comprehensive plans for delinquency prevention programs. The bill adds representatives of local law-enforcement agencies to the list of individuals that may serve on youth services citizen boards and changes the required citizen membership for such boards by directing that it include: (i) one representative of the faith community and one of the business community or (ii) the community policy and management team or a similar entity, approved by DJJ that includes at least one representative each of the faith community and the business community not employed by a government or service agency, and one representative of local law enforcement. The bill eliminates the requirement that the youth services citizen boards' membership consist of at least one representative under the age of 18.
- Permits youth services citizen boards to establish a youth advisory team and requires consultation with any such established team and consideration of the team's recommendations before the youth services citizen boards make their own recommendations to the local governing body. The measure allows the youth services citizen boards to apply to DJJ for additional funding if it establishes such a team. The bill also prohibits youth services citizen boards' members from having an interest in organizations or programs receiving grant funds under the Act.
- With respect to the local youth service programs established under the Act, the bill removes the directive that such programs annually update the comprehensive plan, instead requiring an update of the plan in accordance with guidelines established by DJJ. Finally, the bill removes the local program's duty to collaborate with public and private entities to maintain and disseminate an annual inventory of youth and parenting-related services and programs in the locality.
- Generally, this bill will ensure that localities have information about the best models for delinquency prevention programs so that they may be better positioned to seek grant approval from DJJ. The bill's amendment directing participating programs to update their comprehensive plans in accordance with DJJ's guidelines, rather than on an annual basis, would give DJJ the flexibility to align the schedule for review, and updating of the local comprehensive plan, with other current review practices such as Virginia Juvenile Community Crime Control Act (VJCCCA) plan development. This would allow both plans to be complementary and ensure services are not being duplicated.

- **Budget:**

- A budget item was submitted to fund the Act with 3.4 million. This item did not make it into the final budget. The Act remains unfunded.

STATE & LOCAL ADMINISTRATION OF GOVERNMENT

HB 158 (Delegate Byron): Emergency Services and Disaster Law; limitation on duration of executive orders

- **Existing Law (through June 30):**
 - Once issued, executive orders are effective until June 30 following the next regular session of the General Assembly.
- **Impact of Legislation:**
 - Limits the duration of any executive order issued by the Governor pursuant to his powers under the Emergency Services and Disaster Law to no more than 45 day from the date of issuance. If the General Assembly does not take any action on the rule, regulation, or order within the 45 days it is effective, the Governor is thereafter prohibited from issuing the same or similar rule, regulation, or order relating to the same emergency.

HB 216 / SB 57 (Delegate Simonds / Senator Locke): Conflict of Interests Act, State and Local Government; definition of gift, certain tickets, etc.

- **Existing Law (through June 30):**
 - Did not include tickets or fees in gift exemptions.
- **Impact of Legislation:**
 - Exempts from the definition of gift tickets and registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to the officer's or employee's public service.

HB 231 (Delegate Orrock): Military personnel; increases days for leaves of absences.

- **Existing Law (through June 30):**
 - Allows for 15 days of paid leave for military duties.
- **Impact of Legislation:**
 - Increases, from 15 to 21 days, the number of days a member of the armed services, reserves, National Guard, Virginia Defense Force, or National Defense Executive Reserve shall be entitled to paid leave for military duties. The bill applies only to employees who are employed by the Commonwealth or a political subdivision of the Commonwealth.

HB 307 (Delegate Freitas): Virginia Freedom of Information Act; estimated charges for records.

- **Existing Law (through June 30):**
 - Notification of charges for records was at the request of the citizen.
- **Impact of Legislation:**
 - Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost; however, no such public body shall charge for the provision of certain scholastic records, outlined in the bill.
 - The bill requires a public body, prior to conducting a search for records, to notify the requestor in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requestor whether he would like to request a cost estimate in advance of supplying the requested records.
 - The bill provides that any costs incurred by a public body in estimating the cost of supplying requested records shall be applied toward the overall charges to be paid by the requestor for the supplying of such records.

HB 384 (Delegate Davis): State and local employees; rights of employees, freedoms of conscience and expression.

- **Existing Law (through June 30):**
 - Not applicable.
- **New Law:**
 - Protects state and local government employees of the Commonwealth, defined in the bill, from being penalized by their employer for expressing their opinion regarding a current or proposed regulation, rule, policy, position, or other action or purpose of a unit of state or local government at a hearing of a public body during the time designated for public comment when such employees are speaking on their own behalf as members of the public.

HB 444 (Delegate Bennett-Parker) Virginia Freedom of Information Act; meetings conducted through electronic meetings.

- **Existing Law (through June 30):**
 - Currently, the Code of Virginia does not allow governing bodies to hold fully virtual meetings outside of declared emergencies. During a declared state of emergency, governing bodies may hold electronic meetings subject to limitations which include giving public notice, making arrangements for the public to access the meeting through electronic means and give public comment at those meetings. The Code does allow individual members of governing bodies to attend meetings virtually, if there is a physical quorum of that body gathered in one meeting place.
- **Impact of Legislation:**

- HB 444 strikes the majority of the electronic/virtual meeting provisions of Section 2.2-3708.2. The bill keeps the provisions related to electronic meetings during a declared emergency.
- The bill outlines a new process for governing bodies to host electronic/virtual meetings outside of declared emergencies in a new § 2.2-3708.3. As before, the new law allows for individual members to attend meetings virtually if there is a quorum physically present at a public location. State and regional boards may hold a maximum of two virtual meetings in a calendar year (or 25% of their meetings, whichever is higher) but may not hold two virtual meetings in a row. The public board must adopt a written policy outlining the details of the new law, which provides specific provisions for public participation, prior to holding a virtual meeting. Boards are also not allowed to switch from an in-person meeting to an all virtual meeting without first republicizing a meeting notice.
- **This new law would allow the DJJ Board to hold all virtual meetings or hybrid meetings. The board will need to adopt a policy as outlined in the law.**

HB 734 (Delegate Bell): Virginia Freedom of Information Act; disclosure of certain criminal records.

- **Existing Law (through June 30):**
 - Section 2.2-3706.1 of the Code of Virginia sets forth parameters related to the release of criminal investigation files under Virginia FOIA. The law allows for release of some criminal investigation files for cases that have been finalized, but have many exceptions to protect privacy, protect victim identification, and ensure the release would not jeopardize an ongoing investigation or a defendant's ability to receive a fair trial.
- **Impact of Legislation:**
 - The new law makes significant changes and provides additional protections for victims of crimes to challenge the release of criminal investigation files.
 - First, investigative files on cases that have been finalized (no longer ongoing) are no longer subject to the mandatory disclosure rules of FOIA. Now, these may be disclosed by an agency or custodian at their discretion. Law enforcement agencies are still required to release incident information on felonies (general description, time and location, etc.), but do not have to release copies of the full investigative files, with few exceptions laid out in the new law.
 - One exception is that the law enforcement agency must release criminal investigative files on finalized cases (not ongoing) if the request comes from a victim or their immediate family member if the victim is a minor or deceased and the family member requesting the file is not a person of interest or a suspect in the criminal investigation or proceeding.
 - Agencies must also make limited disclosure of such records to attorneys working on post-conviction proceedings and civil proceedings.
 - Additionally, the agency cannot disclose investigative files (whether related to ongoing or finalized cases) unless such agency has made reasonable efforts to notify the victim or their immediate family member if the victim is a minor or deceased and the family member requesting the file is not a person of interest or a suspect in the criminal investigation or proceeding. Upon receipt of notice that the agency has received a

- request for criminal investigative files, that victim or family member shall have 14 days to file an injunction to prevent disclosure of the records and the agency must wait the 14 days before proceeding with the FOIA request.
- As well, no photographic, audio, video, or other record depicting a victim or allowing for a victim to be readily identified, shall be released to anyone except the victim or their immediate family member if the victim is a minor or deceased and the family member requesting the file is not a person of interest or a suspect in the criminal investigation or proceeding
 - The new law also sets forth new injunctive relief to prevent the disclosure of criminal investigation files in a new section of the code, Section 8.01-622.2.

HB 814 (Delegate Torian): Small Business and Supplier Diversity, Department of; agency procurement enhancement plans.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Directs the Department of Small Business and Supplier Diversity to annually review and provide feedback on state agencies' plans to enhance procurement from small, women-owned, and minority-owned businesses.

HB 964 (Delegate Subramanyam): Virginia Public Procurement Act; methods of procurement, submitting bids electronically.

- **Existing Law (through June 30):**
 - Did not require an electronic bid option.
- **Impact of Legislation (Effective July 1, 2023):**
 - Provides that all state public bodies accepting bids or proposals for contracts pursuant to the Virginia Public Procurement Act shall provide an option to submit bids or proposals through the Commonwealth's electronic procurement system, known as eVA. The Director of the Department of General Services, or his designee, is authorized under the bill to grant an exemption from such requirement at the request of a state public body and upon a showing of good cause. In the bill, local public bodies are encouraged to use eVA to offer an electronic submission option.

HB 1178 (Delegate Avoli): Seizure first aid information; Department of Labor and Industry to disseminate information.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Directs the Department of Labor and Industry to disseminate information regarding seizure first aid, defined in the bill, to all employers and employees in the

Commonwealth and requires all employers of 25 or more employees to physically post this information in a prominent location in the workplace.

- The bill incorporates the "Good Samaritan" provision of the Code of Virginia that shields a person from liability when rendering emergency care in good faith under certain circumstances.

HB 1287 (Delegate Runion): Procured plastic materials; DGS to direct state agencies to identify recycled content amounts.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Directs the Department of General Services to amend its regulations to require state agencies, in the determination of an award for the procurement of plastic materials, to require that bidders identify whether their plastic materials contain recycled materials and, if so, specify the amount of recycled content in such plastic materials.

HB 1290 (Delegate Hayes): Public bodies; security of government databases and data communications, report.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Requires every public body to report to the Virginia Fusion Intelligence Center all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by Federal or state laws and all other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. The bill requires such reports to be made to the Virginia Fusion Intelligence Center within 24 hours of the discovery of the incident and that the Virginia Fusion Intelligence Center share such reports with the Chief Information Officer promptly upon receipt.
 - The bill requires the Chief Information Officer to convene a work group to review current cybersecurity reporting and information sharing practices and report any legislative recommendations to the Governor and the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on Communications, Technology and Innovation by November 15, 2022.

SB 128 (Senator Obenshain): Small Business and Supplier Diversity, Department of; redefines "small business."

- **Existing Law (through June 30):**
 - Not applicable.

- **Impact of Legislation:**

- Redefines "small business" for the purpose of programs for the Department of Small Business and Supplier Diversity and programs for the Virginia Public Procurement Act to allow a cooperative association organized pursuant to Chapter 3 (Cooperative Associations) of Title 13.1 as a nonstock corporation to qualify as a small business if it is at least 51 percent independently controlled by one or more members who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

SB 152 (Senator Locke): FOIA and FOIA Advisory Council; definition of official public government website.

- **Existing Law (through June 30):**

- Did not include a definition of an "official public government website."

- **Impact of Legislation:**

- Defines "official public government website" as it applies to the Virginia Freedom of Information Act and the Virginia Freedom of Information Advisory Council as any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to the Virginia Freedom of Information Act on behalf of the public body.

SB 416 (Senator DeSteph): Virginia Public Procurement Act; purchase of personal protective equipment.

- **Existing Law (through June 30):**

- Not applicable.

- **Impact of Legislation:**

- Requires a state agency, whenever purchasing personal protective equipment (PPE) for public use, to ensure such PPE comply with all applicable federal and international certifications.
- The bill provides that if a state agency receives three or more bids (i) from a Virginia-based company or manufacturer or a manufacturer that uses materials or components made in Virginia or the United States or (ii) from a United States-based manufacturer that uses materials or components made in the United States, the agency may only select among those bids.
- The bill also provides that if a state agency is unable to purchase PPE from such company or manufacturer, it may purchase from another company or manufacturer, pending the results of independent laboratory testing of the PPE.
- The bill directs the Secretary of Commerce and Trade to establish a work group to make recommendations to the General Assembly regarding products other than PPE that may be necessary if a state of emergency is declared in Virginia and that state agencies should purchase with the same requirements and to report the recommendations of the work group to the Chairs of the House Committee on General

Laws and the Senate Committee on General Laws and Technology by September 1, 2022.

SB 631 (Senator Barker): Fair Labor Standards Act; employer liability, overtime required for certain employees, report.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act.
 - The bill requires an employer to compensate employees of a derivative carrier, defined in the bill, at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek.
 - The bill requires the Secretary of Labor to convene a work group that includes certain industry representatives and legislators to review overtime issues and the Virginia Overtime Wage Act and requires the work group to submit a report on its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Commerce and Energy and the Senate Committees on Finance and Appropriations and Commerce and Labor by November 1, 2022.

SB 764 (Senator Barker): Public bodies; security of government databases and data communications, report.

- **Existing Law (through June 30):**
 - Not applicable.
- **Impact of Legislation:**
 - Requires every public body to report to the Virginia Fusion Intelligence Center all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and all other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. The bill requires such reports to be made to the Virginia Fusion Intelligence Center within 24 hours of the discovery of the incident and that the Virginia Fusion Intelligence Center share such reports with the Chief Information Officer promptly upon receipt.
 - The bill requires the Chief Information Officer to convene a work group to review current cybersecurity reporting and information sharing practices and report any legislative recommendations to the Governor and the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on Communications, Technology and Innovation by November 15, 2022.